

Violet Township Board of Trustees

October 30, 2008

Public Hearing: Case Numbers 03-ZC-2008, 04-ZC-2008 and 05-ZC-2008 – Proposed Amendments to the Violet Township Zoning Resolution Planned Commercial Mixed Use District, Planned Business & Industrial District and Other Miscellaneous Amendments

Mr. Dunlap called the meeting to order at 7:30 p.m.

Mr. Yapple called roll. Mr. Dunlap and Mr. Myers were present. William Yapple, Director of Operations; Kelly Sarko, Inspector Officer and Don Brosius, Legal Counsel. Trustee Weltlich was absent from the meeting.

Mr. Dunlap asked the audience to join with him in the Pledge of Allegiance and to remain standing for a moment of silence in honor of those that safeguard our freedoms around the world and our public safety officers here at home.

Case No. 03-ZC-2008 – Planned Commercial Mixed Use District (PCD)

Ms. Sarko explained that this proposed amendment to the Violet Township Zoning Code will create the Planned Commercial Mixed Use District. She explained that this document is virtually identical to the amendment proposed by the citizens committee last year.

This proposed district is organized under the provisions of ORC Section 519.21(B). The purpose of this district is to provide a mix of open space, recreational and commercial uses that are not otherwise permitted in standard zoning districts; enables more extensive review of design characteristics to ensure development is properly integrated into its surroundings; assures compatibility between land uses; enhances the economy of the Township by making available a variety of employment opportunities and providers of goods and services; encourages development projects which exhibit creative planning and design that could not be achieved through standard district zoning.

The Planned Mixed Use Commercial District (PCD) allows only the following uses:

- REC-1, Privately Owned Recreational Facilities – uses defined in subsections 3H1-01 and accessory uses defined in 3H1-02, 3H1-03 and 3H1-06
- S-1, Professional and Commercial Services – uses defined in subsections 3L1-01 through 3L1-03
- S-2, Veterinary and Animal Hospital Services – uses defined in subsections 3M1-01 and 3M1-02
- C-1, Local Commercial Establishments – uses defined in 3P1-01 through 3P1-03

The Planned Commercial Mixed Use District does not allow residential uses of any kind. Some other prohibited uses are: sexually oriented businesses, uses not specified by the terms of the zoning plan, outdoor storage of inoperable, unlicensed or unused motor vehicles, equipment storage limitations, no mobile structures except in accordance with approved Zoning Plan, sales trailers, trash and debris, etc.

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Ms. Sarko explained that rezoning land to a PCD is a two-step process. First an applicant or owner files an application which includes a Zoning Plan and Zoning Text (Zoning Plan). It should be noted that prior to filing a formal application, the owner/applicant is encouraged to engage in a "pre-application meeting" with staff from the Zoning Commission, Fairfield County RPC.

The Development Plan includes the following information:

- The general development character of the property proposed to be rezoned, including the location of uses, overall lot sizes, building size limitations, height and lot coverage restrictions, minimum perimeter setback requirements and other general development features including landscaping, screening and buffering from adjacent properties. An applicant is encouraged to use existing landscaping.
- The general architectural design criteria;
- Provisions for water and sewer services and surface drainage and other utilities;
- Proposed traffic patterns, points of ingress and egress, public and private streets,
- parking and loading spaces, number of parking and loading spaces, walks;
- The relationship of the proposed development to existing and probable uses of surrounding areas;
- Open space areas;
- Proposed time schedule of development;
- And other additional information and any information required by the Zoning Commission;

The application is forwarded to Regional Planning Commission for their recommendation. It then comes back to the Zoning Commission which holds a public hearing and provides a recommendation to the trustees.

This amendment provides specific criteria for the Zoning Commission and the Trustees to determine whether to approve or disapprove the application for rezoning.

Some of the criteria are:

- If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Code;
- If the proposed development is in conformity with the Violet Township Land Use and Transportation Plan or portion thereof as it may apply;
- If the proposed development promotes public health, safety, and general welfare of the Township and the immediate vicinity;
- If the proposed plan meets all of the design features required in this Code;

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- If the proposed development is in keeping with the existing land use character and physical development potential of the area;
- If the proposed development will be compatible in use and appearance with surrounding land uses;
- If the development promotes greater efficiency in providing public and utility services and encouraging innovation in the planning and building of all types of development;
- If the development can be made accessible through existing Township roadways or roadways and lane improvements actually being constructed and opened prior to the opening of the PCD without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township;
- If the development is compatible with any adjacent residential areas and is designed in such a way as to minimize any unreasonable adverse impact on existing residential areas of the Township; and
- If the benefits, improved arrangement and design of the property to be developed justify rezoning the property to the PCD.

After the Zoning Commission makes its recommendation the application is forwarded to the Board of Trustees and approval by the Trustees constitutes rezoning of the tract to include zoning plan and text. The development plan is effective for five years unless an extension is granted by the Trustees. If the development Plan expires, a new Zoning Plan must be filed and approved using the same procedures and conditions as the original zoning.

The next step after rezoning the land is the Development Plan - The applicant files for development plan approval. The Development Plan must be approved by the Zoning Commission and the Township Trustees.

It should be noted that if a Development Plan expires, a new Development Plan must be filed and approved.

For modifications of a Development Plan – the applicant must file a new Development Plan using the same procedures and criteria for the approval of the initial development plan.

A modification of a Zoning Plan is considered to be a zoning amendment and has to be processed the same as a rezoning.

The Fairfield Regional Planning Commission recommended approval of this amendment during their September 2, 2008 meeting. RPC staff recommended the following:

- That C-2 uses be included in the permitted uses for this district;
- had issues in timeframes for approval of Development Plan;
- had issues with limiting the district to frontage on arterial roads;
- wanted language that clearly states development cannot occur until subdivision plat has been prepared and recorded accordance with the Subdivision Regulations of Fairfield County;
- Wanted language in the development guidelines for pedestrian bike paths.

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They noted the numeric 30 and numeric 10 should be placed after the words in one paragraph. The Zoning Commission in their recommendation for approval of the proposed amendment inserted those numbers into the proposed amendment.

The Zoning Commission did recommend approval of the amendment on September 16, 2008.

Mr. Brosius noted there were two additional typographical errors made. If the Board chose to accept the recommendation, those would need to be corrected.

1. Section 3N4-01 (C) - the word 'the' needed relocated.
2. Second sentence of section 3N4-01(8) references ten days before the hearing, the numeric 10 was left out after the word "ten" it is recommended that "10" be inserted after "word".

Rocco Sabatino, 8198 Chevington Chase thanked the Trustees and particularly Mr. Weltlich. He stated that the citizens and the Township were in agreement on this amendment Mr. Dunlap asked if his comments were for Case Numbers 04 & 05. Mr. Sabatino stated it did because this is what (the proposed amendment) was on public display and it matched to what they agreed to last December.

Norm Hopkins, 11300 Milnor Road concurred with Mr. Sabatino's comments.

Case Number 04-ZC-2008 – Planned Business and Industrial District (PBID)

Ms. Sarko stated the process for this District is the same as the Planned Commercial Mixed Use District – a two-step process. She said this district allows all of the same permitted uses in the Planned Commercial Mixed Use District but it also allows additional uses.

In addition to the REC1, S-1 and C1 uses it also allows:

- C-2, Limited Commercial Establishments – uses defined in subsections 3Q1-01 through 3Q1-03;
- C-3, Unlimited Commercial Establishments – uses defined in subsection 3R1-01;
- M-1, Restricted Manufacturing Establishments – uses defined in subsections 3S1-01 and 3S1-02;
- M-2, Limited Manufacturing Establishments – uses defined in subsections 3T1-01 through 3T1-02.

The prohibited uses are the same as the Planned Commercial Mixed Use District – no residential uses, etc.

She said the same conditions for approval and denial are the same as the Planned Commercial Mixed Use District.

Ms. Sarko reported that Fairfield County Regional Planning Commission also considered this amendment during their September 2, 2008 meeting and recommended approval of the proposed amendment. Ms. Sarko said that Regional Planning Commission had the following comments regarding the proposed amendment:

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- time frames for approval of a Development Plan;
- issues with limiting PBID's to frontage on arterial roads;
- wanted language that clearly states that development cannot occur until a subdivision plat has been prepared in recorded in accordance with the Subdivision Regulation of Fairfield County; development guidelines should include language that encourages the placement of pedestrian and/or bike paths.
- RPC also wanted language that required a traffic impact study for commercial/industrial developments.
- also recommended placing language that any permitted industrial activity will be conducted wholly within a completely enclosed building except for automobile service stations; drive-in restaurants; equipment rental, sales, and service.
- RPC did note that the numbers (30) and (10) should be placed after words in one paragraph.

The Zoning Commission recommended approval on September 16, 2008. The Zoning Commission in their recommendation for approval of the proposed amendment inserted those numbers into the proposed amendment.

Case Number 05-ZC-2008: Amendments to the Violet Township Zoning Resolution

Ms. Sarko stated this Case contains several amendments to the Violet Township Zoning Code.

1. It creates a symbol, name and designation for the Planned Commercial Mixed Use District (PCD) and Planned Business and Industrial District (PBID) for the zoning map legend.
2. It eliminates the words without exception in the M-3 district. Ms. Sarko said the Code in Section 3U1-01 currently reads: "Permit privately owned facilities for all types of manufacturing without exception...." Ms. Sarko said that the words "without exception" would be deleted from this Section.
3. Section 3U2-05, the last sentence of this Section which speaks about fences is being modified to delete the words "with no exceptions".
4. Mr. Brosius explained that by having this language – "with no exception" - the implication is that a variance cannot be requested from the Board of Zoning Appeals there is no jurisdiction to grant a variance.
5. In section 3U2-06 the words "no exceptions" would be deleted.
6. Political campaign signage requirements are "tightened up". This amendment will specify where these types of signs can actually be placed. The Code currently requires a permit for some types or sizes of political campaign signs. This amendment will not require a permit for political campaign signage. Section 3W2(I)(1) clarifies which signs require permits.

Mr. Dunlap asked if a real estate sign could be on a 4' x 8' sheet of plywood. Ms. Sarko stated we do not allow that size unless a variance is granted but a 4 x 8 sheet of plywood could be used for a political sign if it is located on private property. Mr. Dunlap said there are some 4 x 4's around the Township that appear to be 16 square feet and that would prohibit them from

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having a 4 x 4 sign. Ms. Sarko said we are taking size limitations out for political signs as long as they are placed on private property.

7. Swimming Pool Enclosures – the height of the enclosure will be 48” – and will match that required by the Building Code. The Zoning Code currently requires 42”.
8. Section 9C(7) - The last sentence in this Section is proposed to read: "in the event the Board denies or modifies the recommendation of the Zoning Commission the unanimous vote of the Board shall be required." On September 22, 2008, Ohio law changed to require only a majority vote. This amendment is proposed in order to comply with the Ohio Revised Code.

Regional planning recommended approval for these amendments during their September 2, 2008 meeting. In its report, RPC staff was concerned that the political campaign sign regulations could be considered "content biased", they recommended that legal counsel review the proposed amendments to ensure they do not conflict with case law. Ms. Sarko commented that the proposed political campaign sign amendments were written by Mr. Griggs with Loveland and Brosius.

The Zoning Commission recommended approval of the text amendments during their September 16, 2008 meeting.

Mr. Dunlap wanted to clarify within 20 days after the public hearing before the Board should it not say the Board of Trustees to clarify? Mr. Brosius stated it is actually part of a longer article and it was fine.

Mr. Sabatino stated he spoke with Ms. Sarko and his citizens regarding the sign issue. He said he felt it would be reasonable if there was a distinction between a residentially zoned property and a commercially zoned property and that larger signs should be permitted for commercially zoned properties. He would like to bring this up at a later date. Ms. Sarko commented that there is a distinction at the beginning of Section 3W. She said that she and would be more than happy to discuss this matter with him. Ms. Sarko and Mr. Brosius said they will work on this issue for Mr. Sabatino.

Mr. Dunlap made a motion to close the hearing for Case numbers 03, 04 and 05 and make a determination on these cases at the next regular Trustee meeting to be held on November 5, 2008. Mr. Myers seconded the motion. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes. Motion carried. Public Hearing closed.

Mr. Dunlap made a motion to adjourn the meeting. Mr. Myers seconded the motion. Roll call vote: Mr. Dunlap, yes; Mr. Myers, yes. Motion carried. Meeting adjourned at 8:15 pm.

Respectfully submitted,

Christopher H. Smith, Fiscal Officer

Joniann Goldberg, Admin. Assistant

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Approved By:

Terry J. Dunlap Sr., Chairman

Date

Harry W. Myers, Jr., Vice-Chairman

Gary P. Weltlich, Trustee